APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,541	12/12/2006	Kenichi Hayashi	289828US8PCT	8489

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EXAMINER
MERCEDES, DISMERY E

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
09/05/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 May 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-8</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-8</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>16 May 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Applicant's arguments filed 5/30/2008 have been fully considered but they are not persuasive.

        This office action has been modified for clarity. Regarding Claims 1-8 Applicant failed to fully address the 112 second paragraph issues as indicated in the office action mailed 3/7/2008. Examiner attempted to discuss the claims and address the 112 issues with attorney of record, Bradley Lytle (reg.no.40,073), the attorney failed to address the indicated issues.

Claim Rejections - 35 USC § 112

2.   Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3.   Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language.

        Regarding Claim 1, lines 6-10, "error detecting means for detecting an error between the reproduced signal and a reference point specified by a time at which a half cycle has elapsed from a start time of one cycle of a clock signal reproduced from the reproduced signal, and by an amplitude of the reproduced signal" it cannot be determined what is the error detecting means relying on to detect the error. Is it an error between the reproduced signal and a reference point specified by a time at which a half cycle has elapsed from a start time of one cycled of a clock cycle reproduced from the reproduced signal, or by the "reproduced signal, a "reference point" and by "an amplitude of the reproduced signal"?

Furthermore, in lines 10-14, "correcting means for correcting a deviation of the data from the clock signal, on the basis of a difference between an interval of the synchronization pattern detected and a predetermined period, and of a time for a segment based the error detected, to identify that the deviation of the data from the clock signal has occurred, out of segments into which the interval of the synchronization pattern is divided", it is very confusing and unclear what is the correction of the deviation of the data from the clock signal based on. It is not clear if it is based on "a difference between <u>an interval of the synchronization pattern detected</u> and <u>a predetermined period</u>" or if the difference is based on the result of "a difference between <u>an interval of the synchronization pattern detected</u> and <u>a predetermined period</u>" and "<u>a time for a segment</u>" or if the difference based on <u>an interval of the synchronization pattern detected</u> and <u>a predetermined period</u>" and "<u>a time for a segment</u>". The limitation "time for a segment" lacks proper antecedent basis for this limitation.

In Lines 12-14, "based the error detected, to identify that the deviation of the data from the clock signal has occurred, out of segments into which the interval of the synchronization pattern is divided." The functional language "to identify" is recited without having a clear associated element to perform the recited function. It is unclear and confusing. Furthermore, what are the conditions "to identify that the deviation of the data from the clock signal has occurred". What is this identification based on. The limitation "out of segments into which the interval of the synchronization pattern is divided" is unclear and lacks proper antecedent basis.

Regarding Claim 3, "correcting means for correcting a deviation of the data from the clock signal, on the basis of a difference between an interval of the synchronization pattern detected and a predetermined period, and of a time for a segment based the error detected, to identify that the deviation of the data from the clock signal has occurred, out of segments into which the interval of

the synchronization pattern is divided", it is very confusing and unclear what is the correction of the deviation of the data from the clock signal based on. It is not clear if it is based on "a difference between <u>an interval of the synchronization pattern detected</u> and <u>a predetermined period</u>" or if the difference is based on the result of "a difference between <u>an interval of the synchronization pattern detected</u> and <u>a predetermined period"</u> and "<u>a time for a segment</u>" or if the difference based on <u>an interval of the synchronization pattern detected</u> and <u>a predetermined period</u>" and "<u>a time for a segment</u>". The limitation "time for a segment" lacks proper antecedent basis for this limitation.

In Lines 6-9, "based on the error detected, to identify that the deviation of the data from the clock signal has occurred, out of segments into which the interval of the synchronization pattern is divided." The functional language "to identify" is recited without having a clear associated element to perform the recited function. It is unclear and confusing. Furthermore, what are the conditions "to identify that the deviation of the data from the clock signal has occurred". What is this identification based on. The limitation "out of segments into which the interval of the synchronization pattern is divided" is unclear and lacks proper antecedent basis.

Regarding Claim 4, the same rationale a applied to claim 3, is applied to claim 4. Furthermore, "of the time for the segment, based upon the zero-crossing offset detected, that the deviation of the data from the clock signal has occurred, out of the segments into which the interval of the synchronization pattern is divided" it is not clear if the time for the segment is based on the zero-crossing offset detected, or if the deviation of the data from the clock signal has occurred is based on the zero-crossing offset detected.

Regarding Claim 6, is the method drawn to the apparatus of claim 1 and the same rationale as set forth in claim 1, is applied to claim 6.

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure: Dohmeier et al. (US 5,612,938); Yamazaki et al. (US 7,054,088).

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS

from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the

mailing date of this final action and the advisory action is not mailed until after the end of the

THREE-MONTH shortened statutory period, then the shortened statutory period will expire on

the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory

period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to DISMERY E. MERCEDES whose telephone number is (571)272-7558. The

examiner can normally be reached on Monday - Friday, from 9:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Hoa Thi Nguyen can be reached on 571-272-7579. The fax phone number for the organization

where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system,

see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system,

contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like

assistance from a USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DM
/HOA T NGUYEN/
Supervisory Patent Examiner, Art Unit 2627